

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

DEREK GRAY #47323

PETITIONER

VS.

CIVIL ACTION NO. 3:10cv411 TSL-FKB

CHRISTOPHER EPPS

PETITIONER

ORDER

This cause came on this date to be heard upon the report and recommendation of United States Magistrate Judge F. Keith Ball and the court, having fully reviewed the report and recommendation entered in this cause on April 26, 2011, and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge F. Keith Ball entered on April 26, 2011, be, and the same is hereby adopted as the finding of this court. The respondent's [13] motion to dismiss is granted, and the petition for writ of habeas corpus is hereby dismissed with prejudice.

A separate judgment will be entered herein in accordance with this order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 13th day of May, 2011.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE